

February 9, 2005

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, February 9, 2005, at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1
CHARLES W. AHREND, Election District #2
DEE E. FLOYD, Election District #3
WILLIAM B. KYGER, JR., Election District #4
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, County Administrator
G. CHRIS BROWN, County Attorney
JERRY D. BAUSERMAN, Deputy Fire and Rescue Chief
WENDELL J. EBERLY, Director of Recreation and Facilities
STEPHEN G. KING, Deputy County Administrator
JENNIFER M. HOOVER, Director of Public Works
WILLIAM L. VAUGHN, Director of Community Development
DIANA C. STULTZ, Zoning Administrator
DOTTIE L. BOWEN, Deputy Clerk
DONALD F. KOMARA, Resident Engineer
Virginia Department of Transportation

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CALL TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION.

Chairman Cuevas called the meeting to order at 3:00 p.m.

Public Works Director Hoover led the Pledge of Allegiance, and Supervisor Floyd gave the Invocation after asking for a moment of silence for the deceased brother of James Allmendinger, Finance Director.

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APPROVAL OF MINUTES.

On motion by Supervisor Floyd, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the minutes of the Regular Meeting held on January 26, 2005.

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STUDENTS WELCOMED.

The Board welcomed to the meeting students from James Madison University.

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RESOLUTION NO. 05-06 - C. DOUGLAS WINE.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following resolution and presented a framed copy to C. Douglas Wine.

R E S O L U T I O N 05-06

WHEREAS, after serving as an engineer for VEPCo and a consulting engineer for Walter Lambert & Associates, in 1969, C. Douglas Wine was hired as a system engineer with the Shenandoah Valley Electric Cooperative; and

WHEREAS, he was promoted to Operations Manager for Shenandoah Valley Electric Cooperative in 1984; and

WHEREAS, from 1994 to the present, he has served as General Manager of the North River Telephone Cooperative and as President and CEO of the Shenandoah Valley Electric Cooperative; and

WHEREAS, Mr. Wine has been a dedicated citizen who has served his community as the Director of the Virginia, Maryland, Delaware Association of Electric Cooperatives; as a past director of the Rockingham Rotary Club; as past president of the Dayton Rotary Club, and as chairman of the Board of Trustees of the Dayton United Methodist Church; and

WHEREAS, Mr. Wine has announced his plans to retire in April 2005;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Rockingham, Virginia, that said Board does hereby recognize and congratulate Mr. Wine in the celebration of his retirement; and

BE IT FURTHER RESOLVED that the Board of Supervisors expresses its sincere gratitude to Mr. Wine and wishes him well in the coming years.

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RESOLUTION NO. 05-07 - BRENDA A. SPENCER.

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board the Board adopted the following resolution and presented a framed copy to Brenda A. Spencer.

R E S O L U T I O N 05-07

WHEREAS, from June 1967 to June 1970, Brenda A. Spencer was employed as a Court Social Worker with the Rockingham County Department of Public Welfare; and

WHEREAS, when that position was eliminated with the establishment of the 9th Regional Juvenile and Domestic Relations Court, Ms. Spencer was transferred to the Juvenile Court in June 1970 where she worked as a Senior Probation Officer; and

WHEREAS, as the State's Juvenile and Domestic Relations Court was divided into judicial districts, in 1973 Ms. Spencer became an employee of the 26th District Court Service Unit; and

WHEREAS, Ms. Spencer was promoted to Supervisor of the 26th District Court Service Unit where she has been responsible for services provided in Rockingham County, the City of Harrisonburg, Page County and Shenandoah County; and

WHEREAS, Ms. Spencer has been an untiring and committed public employee who has served with distinction for 38 years; and

WHEREAS, Ms. Spencer has exhibited a concern for the youth of the community in her efforts to aid them in achieving rehabilitation while holding them accountable for their behavior; and

WHEREAS, Ms. Spencer has taken an active role in the community by serving as a founding member of the Rockingham/Harrisonburg Community Management Team; and

WHEREAS, Ms. Spencer has retired from her position with the 26th District Court Service Unit;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Rockingham, Virginia, that said Board does hereby recognize and congratulate Ms. Spencer in the celebration of her retirement; and

BE IT FURTHER RESOLVED that the Board of Supervisors expresses its sincere gratitude to Ms. Spencer and wishes her well in the coming years.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department. He introduced Garrett Moore, the new District Administrator for Staunton District.

Supervisor Kyger asked about the status of the project for Route 11: when it would be scheduled, whether consideration had been given to extending the turn lane on Route 11 onto Route 704 toward Pleasant Valley Road, if that would be the employee entrance to Wal-Mart, and whether the speed limit would be lowered in that area, or at least warning signs posted, going toward Sysco.

Mr. Komara advised that the project was scheduled for the coming summer and that this would not be the employee entrance for Wal-Mart. He agreed to look into the other questions.

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REPORT - BRENDA A. SPENCER, FORMER SUPERVISOR, 26TH DISTRICT COURT SERVICE UNIT

Brenda A. Spencer, former Supervisor, 26th District Court Service Unit, explained the organization of Juvenile & Domestic Relations Probation Services and of the Court Services Unit. She reviewed past activities of those agencies, thanked the Board for the recognition given to her earlier in the meeting, and introduced her former supervisor, Rod Jones.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Paxton's staff report dated February 2, 2005, concerning upcoming Board work sessions on March 28 and 29, an economic development grant to Coors-Shenandoah, maximization of the use of existing landfill space, and bids received for construction of a new School Administration Building.

On motion by Supervisor Breeden, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; in order to allow the School Administration Building project to move forward, the Board authorized advertising a budget amendment of up to \$3.9 million for this purpose.

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COUNTY ATTORNEY'S STAFF REPORT.

Mr. Brown did not have a written report.

DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. King's staff report dated February 2, 2005, concerning stream repairs (projects projected for completion by September), the County's Technological and Industrial Park, and 2005 Fiscal Impact Statements provided to the Commission on Local government regarding State legislation that will reduce revenue or add expenses to local governments.

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FINANCE DIRECTOR'S STAFF REPORT.

Mr. Allmendinger did not have a written report.

On motion by Supervisor Breeden, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Finance Committee and requested by the Social Services Director, the Board approved the following supplemental appropriation in the amount of \$5,000 for Harrisonburg's Head Start Child Care program. This is entirely federal and state funded, requiring no local match.

Supplemental Appropriation: \$5,000 GL Code: 220-05302-200-5739-000
(Head Start Child Care-Harrisonburg)

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Ms. Hoover's staff report dated February 2, 2005, including information concerning Countryside water system; Penn Laird Drive and Water Tower Road sewer; Lakewood/Massanetta Springs pump station, Spotswood High School waterline extension, Grottoes Container site, Water/Sewer Specifications, McGaheysville WWTP, City of Harrisonburg Waste-to-Energy Plant, and Phase III expansion of the landfill.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Vaughn's staff report dated February 2, 2005, including information concerning Planning Commission activities, annual Comprehensive Plan review, Regional Bicycle Plan development, McGaheysville Area Plan, Emergency Communications Center 911 Mapping System, GIS Computer software upgrades, tabled requests, and upcoming requests.

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INFORMATION SYSTEMS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. O'Byrne's staff report dated February 2, 2005, concerning projects for Microsoft Office 2003 installations and the ICHRIS software and equipment for domain controller and exchange replacement servers, Human Resources computer replacement and Social Services computer replacement.

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FIRE & RESCUE DIRECTOR'S STAFF REPORT.

The Board received and reviewed Chief Symons' staff report dated January 20, 2005, concerning training, prevention and public education activities.

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RECREATION & FACILITIES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Eberly's staff report dated February 2, 2005, concerning facilities and

recreation activities. Mr. Eberly reported that a Board visit to the renovated Court Services and Juvenile and Domestic Relations Court offices was scheduled for March 9, 2005, at 1:30 p.m.

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COMMITTEE REPORTS.

The Board heard Committee Reports by Board members and staff.

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RECESS.

Chairman Cuevas declared the meeting recessed for dinner at 4:15 p.m.

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PUBLIC HEARING - REZONING REQUEST.

At 7:00 p.m., Chairman Cuevas called the meeting back to order and then declared the meeting open for a Public Hearing on the following special use permit requests. Ms. Stultz reviewed the staff report for each application.

S05-03, request from Park View Auto Sales, Inc., for a permit for a used car and truck sales office on property located on the north side of Red Oak Street (city street) approximately 1/4 mile north of Acorn Drive (city street) in Central Magisterial District, Election District #2, zoned M1. Tax Map #94-(1)-1B.

Wade Arbogast, President, Park View Auto Sales, Inc., was present to answer questions.

Ms. Stultz noted that a letter regarding this request was sent to the City of Harrisonburg, and the City expressed no opposition.

S05-04, request from Ron Dunham, T/A Virginia Golf Cars, Inc., requesting a permit for golf car & RV sales and storage and boat storage on property located on the west side of Early Road (Route 988) approximately 900 feet north of Cottontail Trail in

Ashby Magisterial District, Election District #3, zoned M-1C. Tax Map #124-(8)-3.

The applicant was present to answer questions.

Ms. Stultz noted that a letter was sent to the City of Harrisonburg regarding this request, and no opposition was expressed.

S05-05, request of Luis Omar Rodriguez for a mechanic's garage (public garage) on property located on the west side of Grace Chapel Road (Route 853) approximately 100 feet west of John Wayland Highway (Route 42) in Ashby Magisterial District, Election District #4, zoned A-2. Tax Map #108-(A)-120.

Ms. Rodriguez was present to answer questions.

Ms. Stultz noted that a letter of opposition was received by staff and that the City had been notified with no response.

S05-06, request of Sam Hess/Diane Derzis for a residence involving a division of land on property located on the southwest side of Waterloo Mill Lane (Route 643) approximately 1 mile south of Mt. Olivet Church Road (Route 644) in Stonewall Magisterial District, Election District #5, zoned A-1. Tax Map #129-(A)-103

Gary Mitchell said he had built a house on Mt. Olivet Road which was close to the property in question. He was not opposed to the request.

John Galvin said he "had no problem" with the request.

Diane Derzis said she had owned the property since 1997 and it had been used for grazing horses or hay production. She stated that the buyers wanted to retire to the site and rent the land back to her for grazing the horses. She said that would "bail" her out so that she could keep farming.

Lee Shuler said his property was next door, and he did not oppose the request. He asked that the Board consider "proper setbacks" for the house that was built on the site. He asked that future parcels not be sold off over the next few years.

Chairman Cuevas explained that, if a house were built, it would have to "abide by the setbacks" required by the County Code.

Steve Pence said he owned an adjoining farm and there had been some debate about the property lines. He

wondered if the property had been surveyed and added that he did not want it used for storage of junk.

Chris Whitlock, Realtor, explained that the purchasers wanted to build a house for retirement and were not interested in dividing the property.

Linda Gooden, representing Frances Gooden, said she objected to the cabin that was already on the property in the woods. She read a letter in opposition to future sales.

Mr. Hess apologized to Ms. Gooden. He said he bought the property with no intention of selling it because he planned to build his home there. He said his father decided to discontinue farming and that left Mr. Hess "with everything." He explained that he sold off five acres at auction, and that was divided for two homes to be built.

Chairman Cuevas closed the public hearing and called the regular session back to order at 7:30 p.m.

On motion by Supervisor Ahrend, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S05-03, request from Park View Auto Sales, Inc., for a permit for a used car and truck sales office on property located on the north side of Red Oak Street (city street) approximately 1/4 mile north of Acorn Drive (city street) in Central Magisterial District, Election District #2, zoned M1.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) If the existing area to be used for this office is not currently finished off for offices, a change of use building permit shall be required.
- (3) This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
- (4) Off-street parking shall comply with the Rockingham County Code.
- (5) On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign.
- (6) There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.

- (7) The car sales lot shall be located on adjoining property in the City and there shall be no vehicles for sale kept on this property.
- (8) This business shall not begin operation until such time as a certificate of occupancy is issued by the County if required by the Building Official. No certificate of occupancy shall be issued until all other conditions of this permit are met.

On motion by Supervisor Floyd, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved, subject to the following conditions, S05-04, request from Ron Dunham, T/A Virginia Golf Cars, Inc., requesting a permit for golf car & RV sales and storage and boat storage on property located on the west side of Early Road (Route 988) approximately 900 feet north of Cottontail Trail in Ashby Magisterial District, Election District #3, zoned M-1C.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (3) This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
- (4) On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign.
- (6) There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
- (7) Off-street parking shall comply with the Rockingham County Code.
- (8) Use shall be limited to boats and recreational vehicles. The storage of trailers does not include manufactured homes.
- (9) There shall be no junked or inoperable items stored on the property.
- (10) Inspection stickers and County decals shall be valid on any stored vehicles that are required to have them.
- (11) The storage area shall be fenced.

Noting that he would like for other Board members to see the Rodriguez property and he would like to make sure

the applicants knew what would be required of them, on motion by Supervisor Kyger, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board tabled S05-05, request of Luis Omar Rodriguez for a mechanic's garage (public garage) on property located on the west side of Grace Chapel Road (Route 853) approximately 100 feet west of John Wayland Highway (Route 42) in Ashby Magisterial District, Election District #4, zoned A-2.

Noting that he would like for the other Board members to see the Hess/Derzis property, on motion by Supervisor Breeden, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board tabled S05-06, request of Sam Hess/Diane Derzis for a residence involving a division of land on property located on the southwest side of Waterloo Mill Lane (Route 643) approximately 1 mile south of Mt. Olivet Church Road (Route 644) in Stonewall Magisterial District, Election District #5, zoned A-1.

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INFORMATION ITEMS.

The Board received the following information items from the County Administrator.

- a. Minutes of Central Shenandoah Planning District Commission meeting held on December 1, 2004.
- b. Letter dated January 27, 2005, from Nationwide Custom Homes, expressing appreciation for the professional and courteous assistance given to the public by the employees in the Community Development Department.
- c. Letter dated January 24, 2005, from Pat Marcus and Ruth Short, expressing appreciation for the County's assistance in removing a deer carcass from the Linville Creek.
- d. Upper Valley Regional Park Authority Capital Committee Minutes for meeting held on January 10, 2005.
- e. Press Release by H-R Community Automated External Defibrillator Initiative to announce plans to reduce the amount of time to defibrillation for cardiac arrest victims in the community.

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ADJOURNMENT.

By consensus, the Board adjourned the meeting at 7:35
p.m.

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Chairman